



Express Mail No.: EV 452 773 474 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: De Jong *et al.*

Confirmation No.: 8309

Serial No.: 10/722,045

Group Art Unit: 1645

Filed: November 25, 2003

Examiner: To Be Assigned

For: A VIRUS CAUSING
RESPIRATORY TRACT ILLNESS
IN SUSCEPTIBLE MAMMALS

Attorney Docket No.: 7682-108-999

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice To File Missing Parts Of Nonprovisional Application ("Notice") mailed August 12, 2004, a copy of which is attached hereto, Applicants submit herewith, a Petition for Extension of Time under 37CFR § 1.136(a) for a period of one (1) month from October 12, 2004 up to and including November 12, 2004, accompanied by the appropriate fee.

Applicants further submit a copy of a Declaration for Non-Provisional Patent Application executed by Jan Cornelius De Jong, Ronaldus Adrianus Maria Fouchier, Bernadetta Gerarda Van Den Hoogen, Albertus Dominicus Marcellinus Erasmus Osterhaus and Jan Groen on February 25, 2004; February 24, 2004; February 27, 2004; February 19, 2004; and December 30, 2003, respectively, in connection with U.S. Application No. 10/466,811 filed on July 21, 2003 (the '811 application) as national stage application of International Application PCT/NL02/00040, international filing date January 18, 2002. The present application is a continuation application of the '811 application. Thus, the present submission of a copy of the Declaration that was filed in connection with the '811 application

is proper under 37 C.F.R. § 1.63(d).

Also submitted herewith is a Revocation and Power of Attorney executed by Eric Claassen, Chief Executive Officer of ViroNovative BV, on behalf of assignee ViroNovative BV, in connection with the '811 application. Mr. Claassen is authorized to act on behalf of ViroNovative BV. A copy of the assignment of the '811 application to ViroNovative BV is also enclosed.

Under separate transmittal, Applicants submit herewith a Sequence Listing in paper and computer-readable form accompanied by a statement that the content of the sequence listing in computer readable form is identical to the content of the paper copy of the sequence listing and that no new matter has been introduced.

Applicants also submit herewith a Preliminary Amendment to provide an abstract for the present application and to insert sequence identifier numbers into the specification of the application.

It is requested that the enclosed documents be made of record in the file of the above-identified application.

The fee for this submission is believed to be \$130.00. Please charge this and any additional fee that may be required to Jones Day Deposit Account No. 503013. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

by: *Jacqueline Bena*
Reg. No. 43,492

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Date: November 12, 2004

Enclosures



11-15-04

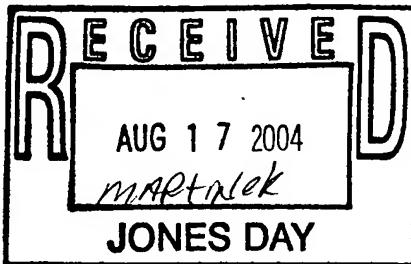
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/722,045	11/25/2003	Jan Cornelius De Jong	7682-108-999

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017



CONFIRMATION NO. 8309

FORMALITIES LETTER



OC000000013511878

Date Mailed: 08/12/2004

DAF Dec 1 Fee & Abstract
10.12.04

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/18/2004 MBLANCO 00000001 503013 10722045

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY